

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN MATELIC,

Plaintiff,

Case No. 12-13523

v.

District Judge Avern Cohn  
Magistrate Judge R. Steven Whalen

BENNY MENDOZA,

Defendant.

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**NOTICE OF FRCP 16(b) STATUS AND SCHEDULING CONFERENCE**

**IF THE PARTIES** have not already done so, you are directed to **meet face-to-face** to prepare a joint proposed discovery plan in accordance with FRCP 26(f).

The Rule 26 (f) plan must be electronically filed **FOURTEEN (7) DAYS PRIOR TO THE CONFERENCE.**

In addition to the requirements set forth in Rule 26(f), your proposed plan must address:

1. The background of the action, and the principal factual and legal issues, including the nature of and basis for all claims and defenses;
2. Proposed amendments to the pleadings;
3. Admissions of facts and stipulations to the authenticity of certain documents;
4. Whom you propose to depose, whether you propose to depose more than ten (10) witnesses, and whether you expect any deposition to last longer than seven (7) hours in one day (See Amendments to FRCP 30(d)(2));
5. Whether you seek leave to serve in excess of twenty-five (25) interrogatories including sub-parts;
6. Areas which may require expert testimony;

7. Electronic discovery, and include procedures and protocols for disclosure or discovery of electronically stored information;
8. Any issues (including procedures and protocols) relating to disclosure or discovery of electronically store information, including the form or forms in which it should be produced;
9. Any issue relating to preserving discoverable information;
10. Outstanding or anticipated discovery disputes, and the basis you have for any objection;
11. Whether either party believes any of the initial disclosure requirements under FRCP 26(a)(1) are not appropriate, and the basis for the parties' objection;
12. An appropriate management plan, including a recommended discover cut-off date;
13. State whether your client will consent to the imposition of costs and sanctions if the case is referred to state court case evaluation under authority LR 16.3; and
14. Each side's view of what it would take to resolve this matter.

The parties shall not use their failure to promptly hold a Rule 26(f) meeting, or the Court's failure to promptly schedule a Rule 16 conference, as the basis for not making disclosures required under Rule 26(a)(1).

And, an attorney's failure to participate in the scheduling of a Rule 26(f) meeting, thereby delaying discovery, shall be brought to the attention of the Court immediately by opposing counsel.

**YOU ARE NOTIFIED TO APPEAR ON: TUESDAY, MAY 26, 2015 at 10:00 a.m., at the Chambers of Magistrate Judge R. Steven Whalen 673 Theodore Levin Courthouse, Detroit, MI for the Status and Scheduling Conference.**

Counsel are advised to familiarize themselves with the requirements of FRCP 16 and 26 and Local Rules 16.1, 16.2, 16.3, 26.2 and 26.3 prior to this conference (Please note that parts of LR 26.2, Filing of Discover Material, and LR 26.3(a), Disclosures Required by Fed. R. Civ. P 26(a)(1), are now in conflict with the federal rules and were repealed effective December 1, 2000).

At the Scheduling Conference, counsel should be prepared to:

- A. Identify and narrow issues;
- B. Discuss pleading amendments;
- C. Discuss settlement;
- D. Discuss control of discovery;
- E. Identify issues which may appropriately be resolved by motion; and
- F. Estimate trial length.

Counsel are advised to bring their calendars for the scheduling of dates.

s/ R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: April 29, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on April 29, 2015, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla  
Case Manager to the  
Honorable R. Steven Whalen